

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MEDTECH PRODUCTS INC.,)
Plaintiff,)
v.)
RANIR, LLC and)
CVS PHARMACY, INC.)

MEDTECH PRODUCTS INC.,)
Plaintiff,)
v.)
DENTEK ORAL CARE, INC.,)
KELLY M. KAPLAN, RAY DUANE,)
and C.D.S. ASSOCIATES, INC.)

Defendants.)

MEDTECH PRODUCTS INC.,)
Plaintiff,)
v.)
POWER PRODUCTS, INC.)
d/b/a SPLINTEK,)

Defendant.)

Civil Action No. 07 CV 3302 (KMK)(LMS)
ECF FILED

NOTICE OF MOTION FOR PRELIMINARY INJUNCTION

PLEASE TAKE NOTICE that upon the accompanying proofs and submissions including:

1. The Declaration of Michael Lesser, dated October 18, 2007, including Exhibits A-F;
2. The Declaration of Charles Schrank, dated October 16, 2007, including Exhibits A-F;
3. The Declaration of FTI (by Douglas E. Smith), dated October 17, 2007, including Exhibit 1;
4. The Declaration of Karen Costa-Strachan, dated October 16, 2007, including Exhibits A-C;
5. The Declaration of Lieven Nuytens, dated October 17, including Exhibit A;
6. The Declaration of Gerard Butler, dated October 17, including Exhibit A;
7. The Declaration of Amy S. Manning, Esq. dated October 19, 2007, including Exhibits A-C;
8. Plaintiff's Memorandum of Law in Support its Motion for Preliminary Injunction and Appendix;
9. All prior pleadings heretofore had in this action; and
10. Any additional discovery or proof as permitted by the Court;

Plaintiff Medtech Products Inc. ("Medtech") will move this Court, on a date and time to be set by the Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure, for an Order preliminarily enjoining Defendants DenTek Oral Care, Inc. ("DenTek"), Ray Duane ("Duane"), C.D.S. Associates, Inc., and Kelly M. Kaplan ("Kaplan") (collectively the "Defendants") as follows:

- (i.) Preliminarily enjoining Defendants from continuing to improperly use Medtech's trade secrets;
- (ii.) Preliminarily enjoining Defendants from continuing to breach any contractual agreements with Medtech or its predecessor-in-interest; and
- (iii.) Preliminarily enjoining Defendants from marketing and selling any dental protector products or other products in which Duane or Kaplan has had any involvement or provided any assistance to DenTek including, but not limited to DenTek's NightGuard product.

Defendants' recent expanded market presence and increased direct competition with Medtech's dental protector sold under the NIGHTGUARD™ mark pose an immediate and urgent threat to Medtech. The damage being caused is inestimable and irreparable in a market where consumer confidence, brand recognition and reputation are critical to success. Accordingly, Medtech respectfully requests immediate injunctive relief to protect Medtech's reputation, goodwill, and business from Defendants' continued infringing and illegal actions.

Dated: October 19, 2007

New York, New York

Respectfully submitted,

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